

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E J C M A  
MAY 13 2002  
P A T E N T & T R A D E M A R K S E R V I C E

re Application of )  
George SACHS, et al. )  
Serial No.: 10/080,113 )  
Filed: February 21, 2002 )  
For: COMPOSITIONS, TEST KITS AND )  
METHODS FOR DETECTING )  
HELICOBACTER PYLORI )

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Examiner: Unknown  
Art Unit: Unknown

Irvine, California

**REPEATED REQUEST FOR**  
**CORRECTION OF**  
**ERROR IN FILING RECEIPT**

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington D.C. 20231

Certificate of Mailing

I hereby certify that this correspondence is being deposited on  
May 1, 2002 with the United States Postal Service as first class  
mail in an envelope addressed to Commissioner of Patents, Office  
of Initial Patent Examination, Customer Service Center,  
Washington D.C. 20231.

Susan M. Langworthy  
Susan M. Langworthy  
May 1, 2002  
Date

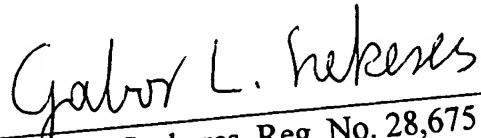
Dear Sir:

On April 1, 2002, applicant, acting through the undersigned attorney filed a request for correction of filing receipt. A copy of this request in its entirety is enclosed herewith.

A "Response to Request for Corrected Filing Receipt" was mailed to applicant's attorney on April 25, 2002. A copy of this response is also enclosed.

The issue raised by applicant's Request for Correction and by the Response of April 25, 2002 is about the number of independent claims in the originally filed application. Prompted by the Response of April 25, 2002, the undersigned attorney has repeatedly reviewed and checked the claims, and confirmed that there are a total of 27 claims with no misnumbering in the sequence of the claims, and that Claims 1, 12, 20, 25, and 26 are independent. This makes a total of 5 independent claims. The filing fee of \$517 was calculated on the basis of this number of claims. Accordingly, the original filing receipt that shows only 2 independent claims, and a filing fee of \$33 is in error. Appropriate correction is requested.

Respectfully submitted,

  
\_\_\_\_\_  
Gabor L. Szekeres, Reg. No. 28,675

Date: May 1, 2002  
KLEIN & SZEKERES, LLP  
4199 Campus Drive, Suite 700  
Irvine, California 92612  
(949) 854-5502



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
George SACHS, et al.  
Serial No.: 10/080,113  
Filed: February 21, 2002  
For: Compositions, Test Kits And  
Methods For Detecting Helicobacter  
Pylori

Examiner: Unknown  
Art Unit: 1645

Irvine, California

LETTER RE CORRECTION OF  
ERROR IN FILING RECEIPT

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington D.C. 20231

Certificate of Mailing

I hereby certify that this correspondence is being deposited on April 1, 2002  
with the United States Postal Service as first class mail in an envelope addressed  
to Commissioner of Patents, Office of Initial Patent Examination, Customer  
Service Center, Washington D.C. 20231.

*Maricela Castro*  
Maricela Castro  
April 1, 2002  
Date

Dear Sir:

The filing receipt issued in this case is in error in that:

- 1) The amount of filing fee received is incorrect. A check for \$557 was submitted with the patent application (copy enclosed), and;
- 2) The number of independent claims is listed incorrectly as 2 (it should be 5).  
The fee transmittal originally submitted with the application (copy enclosed) correctly shows both the check for \$557 and the number of independent claims as 5.

A corrected version of page 1 of the filing receipt is enclosed.

Please note: If the amount of \$40 (for the assignment recordation) is subtracted from the check for \$557 which was submitted, the filing receipt should show \$517 received as filing fees.

Correction of the filing receipt is respectfully requested.

Respectfully submitted,

Date: April 1, 2002

Gabor L. Szekeres  
Gabor L. Szekeres, Reg. No. 28,675

KLEIN & SZEKERES, LLP  
4199 Campus Drive, Suite 700  
Irvine, California 92618  
(949)854-5502



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE RECD	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/080,113	02/21/2002	1645	433	626-06-PA	5	27	25

Gabor L. Szekeres  
Klein & Szekeres, LLP  
4199 Campus Dr., Ste. 700  
Irvine, CA 92612



CONFIRMATION NO. 2815

## FILING RECEIPT

\*OC00000007718586\*

Date Mailed: 03/26/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

George Sachs, Encino, CA;  
Petra Voland, Munich, GERMANY;

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted 03/26/2002

Projected Publication Date: 08/21/2003

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Compositions, test kits and methods for detecting helicobacter pylori

## Preliminary Class

435

COPY

Case 626-06-PA New Patent Application Transmittal (1 pg) & Fee Transmittal Letter (1 pg in duplicate); Specification (30 pgs); Claims (7 pgs); Abstract (1pg); Drawing (5 sheets); Declaration and Power of Attorney, executed (3 pgs); Assignment (3 pgs) & Recordation Cover Sheet (1 pg in duplicate); Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825 (2 pgs) & Sequence Listing (1 pg); Diskette w/Sequence Listing; Check for \$557 for fees & Authorization to charge Deposit Account No. 11-1159 for deficiencies

Applicants:

For:

George SACHS et al  
COMPOSITIONS, TEST KITS AND METHODS FOR  
DETECTING HELICOBACTER PYLORI

LAW OFFICES OF GABOR L. SZEKERES  
GENERAL ACCOUNT  
4199 CAMPUS DRIVE, SUITE 700  
IRVINE, CA 92612-4898  
(949) 854-5502

FIRST BANK & TRUST  
4301 MAC ARTHUR BLVD.  
NEWPORT BEACH, CA 92660  
90-39131222

7502

Feb 21, 2002

PAY TO THE  
ORDER OF

Commissioner of Patents

\$ 557.00

five hundred and fifty seven &lt;sup&gt;0&lt;/sup&gt;/&lt;sup&gt;100&lt;/sup&gt;

DOLLARS 

MEMO 626-06-PA (Winston, Plano.) filing and assignment fee

Gabor L. Sekeres

#007502 1222391381 1406017382



EV 017893611 US

POST OFFICE  
TO ADDRESSEE

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
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AM PM	2nd Day 3rd Day	
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lb. OZ.		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees
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Delivery Date	Time — AM — PM	Employee Signature
Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Customer Signature

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T

**COPY****FEE TRANSMITTAL****for FY 2001**

MAY 13 2002

Patent fees are subject to annual review.

**TOTAL AMOUNT OF PAYMENT**(\$)**557.00****METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **11-1159**

Deposit Account Name **Klein & Szekeres LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$) Fee Code (\$)

Fee Description

Fee Paid

101	710	201	355	Utility filing fee	<b>370</b>
108	320	208	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1) (\$)** **370****2. EXTRA CLAIM FEES**

Total Claims

**27**

Extra Claims

-20\*\* = **7**

Fee from below

x **9**

Fee Paid

**63**

Independent Claims

**5**-3\*\* = **2**x **42****84**

Multiple Dependent

Large Entity Small Entity

Fee Code (\$) Fee Code (\$)

Fee Description

103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue Independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$)** **147**

\*or number previously paid, if greater. For Reissues, see above

Complete if Known

Application Number			
Filing Date			
First Named Inventor	<b>George SACHS et al</b>		
Examiner Name			
Group Art Unit			
Attorney Docket No.	<b>626-06-PA</b>		

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	380	218 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	<b>40</b>
146	710	248 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)****40**

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	<b>Gabor L. Szekeres</b>	Registration No. (Attorney/Agent)	<b>28,675</b>	Telephone <b>949 854-5502</b>
Signature	<i>Gabor L. Szekeres</i>	Date	<b>Feb 21, 2002</b>	

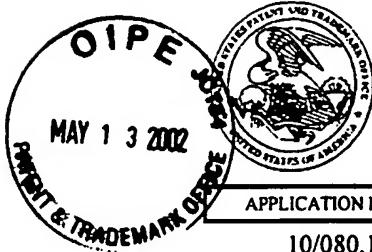
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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UNITED STATES PATENT

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
10/080,113	02/21/2002	George Sachs	626-06-PA

CONFIRMATION NO. 2815



\*OC00000007962523\*

Gabor L. Szekeres  
Klein & Szekeres, LLP  
4199 Campus Dr., Ste. 700  
Irvine, CA 92612

Date Mailed: 04/25/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

**Claims, Fees, and Inventors**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.

The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.

The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.

The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.

Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.

  The difference between the fees paid and the fees due was refunded to the applicant and will

not be shown on the filing receipt.

The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).

The inventor's residence allows for up to 40 characters (letters and spaces combined).

The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).

A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.

Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.

The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.

The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.

The docket number allows a maximum of 25 characters.

The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.

The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

R. BERKNER  
Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202